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APR 10 2006

In re Application of : **OFFICE OF PETITIONS**  
Calderbank et al. :  
Application No. 09/300,494 :  
Filed: April 28, 1999 : ON PETITION  
Attorney Docket Number: :  
CALDERBANK-1 :  
:

This is in response to the Request for Reconsideration and Petition Under 37 CFR 1.137(b), filed February 14, 2006.

The petition is **granted**.

Background

The above-identified application became abandoned for failure to timely and properly respond to the final Office action, mailed April 23, 2003. The Office action set a three (3) month period for reply.

Applicant filed an Amendment on via facsimile on July 31, 2003, along with a one (1) month extension of time request; however, the Amendment was apparently not received in the Technology Center at that time.

A Notice of Abandonment was mailed December 12, 2003.

Applicant filed a Petition to Withdraw the Holding of Abandonment on based upon Applicant's timely filed Amendment on December 22, 2003, and provided a copy of the timely filed Amendment. A review of the Amendment revealed that the Amendment was Non-compliant, and failed to place the application in condition for allowance. In a Decision mailed April 8, 2004, the petition was dismissed, and Applicant was notified in a Notice of Non-compliant Amendment that the Amendment failed to place the application in condition for allowance.

Having failed to timely and properly reply to the final Office action, the application became abandoned July 24, 2003.

Applicant filed a petition to revive the application under 37 CFR 1.137(b), which was dismissed in a Decision mailed July 25, 2005, for failing to meet the requirements of a grantable petition under 378 CFR 1.137(b).

With the instant petition, Applicant has filed a Request for Continued Examination ("RCE") and a submission in the form of an Amendment.

This application is being returned to Technology Center 1631 for processing of the RCE and Amendment in due course.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3232.

  
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